IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO.3650 OF 2004

...

Smt.Shobhana Talekar ...Plaintiff

v/s.

Shailesh Suryaji Kadam ...Defendant

...

Mr.R.B.Khanolkar for the Plaintiff.

Defendant in person.

...

CORAM: D.K.DESHMUKH, J.

DATED: 14TH MARCH,2006

P.C.:

On a motion made by the learned Counsel for the Plaintiff, the name of the Defendant No.2 is permitted to be deleted.

By consent of the parties, the suit is decreed in following terms:-

(i) It is declared that the Defendant No.1 Shailesh is the full owner of Flat No.17, Bldg.A-9, New Best Workers Co.op. Housing Society Ltd. New Best Nagar, Goregaon (West), Mumbai.

(ii) It is declared that the Defendant No.1 is entitled to enjoy the property as owner thereof. He is also entitled to have the share certificate of the flat transferred in his own name.

(iii) It is directed that within a period of two months from today the Defendant No.1 shall pay to the Plaintiff an amount of Rs.3,80,000/- (Rupees Three lakh & Eighty Thousand Only) by cheque.

(iv) It is further declared that till the aforesaid amount is paid by the Defendant No.1 to the Plaintiff, he shall not transfer or alienate the flat No.17 described above.

(v) In case the Defendant No.1 fails to pay the aforesaid amount within the aforesaid period, interest at the rate of 12% p.a. shall be payable and the the aforesaid suit flat shall automatically stand attached and the Plaintiff would be entitled to execute the decree, if necessary by selling that flat.

(vi) Suit disposed of. No order as to costs.

(vii) In view of the disposal of the suit, Notice of Motion No.327 of 2005 does not survive for consideration.

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